

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

DEMETRIUS ESPEY,)
Plaintiff,)
v.)
TIM TOLLEY, Program Manager for Spectrum) Civil No. 1:09-0090
Health Systems, Inc., *et al.*,) Judge Trauger
Defendants.) Magistrate Judge Bryant

ORDER

On June 23, 2011, the Magistrate Judge issued a Report and Recommendation (Docket No. 134), to which no timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the plaintiff's Motion For Contempt (Docket No. 125) and the plaintiff's Motion For Summary Judgment (Docket No. 114) are **DENIED**, and the Motions For Summary Judgment filed by defendants Tolley, Daniel, Swanson and Westbrooks (Docket Nos. 105, 125) are **GRANTED**, and all claims against these four defendants are **DISMISSED**.

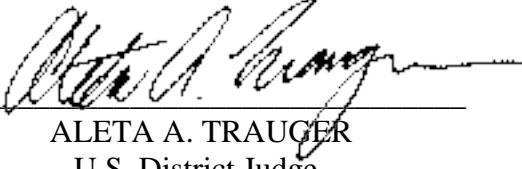
With this ruling, all defendants have been dismissed from this case, with the exception of Brown McGhee, M.D., who has never responded to the Complaint or had counsel enter an appearance on his behalf. The court notes that this defendant was not included in the plaintiff's Motion For Summary Judgment (Docket No. 114), and the court cannot but conclude from this record that the plaintiff does not wish to pursue his claims against defendant McGhee. It is

therefore **ORDERED** that any claims asserted against defendant McGhee in the Complaint are **DISMISSED WITHOUT PREJUDICE.**

All defendants and claims having now been dismissed, it is hereby **ORDERED** that the trial scheduled for July 26, 2011 is **CANCELLED**, and the Clerk shall **CLOSE** this file.

It is so **ORDERED**.

ENTER this 20th day of July 2011.



ALETA A. TRAUGER
U.S. District Judge